

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0545**

April 29th, 2019

Joseph Simons  
Chairman  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, D.C. 20580

Dear Chairman Simons:

I write to raise concerns about Free File Alliance (FFA) companies misdirecting eligible taxpayers away from the Internal Revenue Service (IRS)'s Free File program and instead steering those families to their companies' expensive products.

According to reporting from the non-profit investigative journalism outlet *ProPublica*, at least two companies participating in the IRS's Free File program: Intuit's TurboTax and H&R Block—used website code that blocked search engine queries by taxpayers seeking access to the Free File program.<sup>1</sup>

Instead, eligible taxpayers looking to file their taxes for free—as an option mandated by Congress—would need to comb through complex websites to access free filing. These artificial barriers run contrary to the goals of the Free File program and are designed to steer families into paying for services that rightfully should be free of charge to them as taxpayers.

Misdirection like this is why only 3% of eligible taxpayers typically use the Free File program.<sup>2</sup> As a result of upselling and marketing, families end up spending an estimated billion dollars a year in unnecessary filing fees.<sup>3</sup>

I ask that the Federal Trade Commission immediately investigate the website code used by these companies and determine whether such code is designed to steer customers away from free filing and into the companies' proprietary products. If it is so designed, it is my belief that the code

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<sup>1</sup> Justin Elliott, "TurboTax Deliberately Hides Its Free File Page From Search Engines," *ProPublica* (April 2019) at: <https://www.propublica.org/article/turbotax-deliberately-hides-its-free-file-page-from-search-engines>

<sup>2</sup> Tik Root, "Why Are Millions Paying Online Tax Preparation Fees When They Don't Need To?" *ProPublica* (June 2018) at: <https://www.propublica.org/article/free-file-online-tax-preparation-fees-intuit-turbotax-h-r-block>

<sup>3</sup> Id.

violates 15 U.S.C §45(a), which prohibits: “Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce.”<sup>4</sup>

I have spent my career as a consumer protection attorney fighting against these types of abuses; I know how misdirection like this can strip families of money that is desperately needed to pay for rent, food, school supplies, prescription drugs, and other critical needs. This misconduct is particularly concerning in light of FFA companies' recent lobbying against the IRS creating a Free File portal of its own.<sup>5</sup> I ask that the FTC respond to my request by May 15th, 2019.

Sincerely,

A handwritten signature in black ink that reads "Katie Porter". The signature is written in a cursive, flowing style with a large initial "K" and "P".

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<sup>4</sup> 15 U.S.C. §45(a)

<sup>5</sup> Id.